

# **PL ANNING BOARD MINUTES**

**November 8, 2006**

**Board members present:**

**Art Weber, Chairman   Ron Wolanski, Town Planner**

**John Tucker   Vernon Gorton, Town Solicitor**

**Jan Eckhart, Secretary**

**Richard Adams**

**David Lawrence**

**Colleen Aull**

**Audrey Rearick**

**The meeting was called to order at 6:30 pm.**

## **Minutes**

**The minutes of the regular meeting of October 11, 2006, were reviewed.**

**Motion by Ms. Rearick seconded by Mr. Adams to approve the minutes as presented. Vote: 7-0-0**

## **Sitting as Planning Board**

**Mr. Weber announced that, due to the number of people in attendance for the Harkins Development Co. subdivision application, that item would be addressed first.**

**1. Public Hearing - Harkins Development Company (Wicks Land Company), Proposed minor subdivision and road creation, Island Drive, Plat 117, Lot 833, Preliminary Plan.**

**Mr. Weber, Mr. Adams, and Mr. Lawrence recused themselves from the discussion.**

**The Vice Chairman, Mr. Tucker, presided.**

**Mr. Tucker stated that, in keeping with the Board's standard practice, a subcommittee of the Board would conduct a site visit prior to receiving testimony.**

**By consensus the Board scheduled the site visit for November 16, 2006 at 2pm.**

**Motion by Ms. Rearick, seconded by Mr. Eckhart, to continue the matter to its regular meeting scheduled for December 13, 2006 at 6:30pm. Vote: 4-0-0**

**Old Business**

**2. Public Hearing (continued) - George P. Lewis, Proposed 5-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935, Preliminary Plan**

**Attorney Brian Bardorf, representing the applicant, requested that the Planning Board grant conditional approval, subject to final review of the engineering. He indicated that there have been discussions with abutting property owner Peter Gallipeau regarding the possibility of also serving his property with the Bailey Ave. extension.**

**Mr. Wolanski stated that the Town Engineer has yet to complete the review of the plans and drainage report. The Fire Department has identified concerns with the proposed turn-around at the end of**

**Bailey Ave.**

**Attorney David Martland, representing Mr. Gallipeau, stated that there are several outstanding issues with the application. The plan should not be approved until the issues are resolved.**

**Mr. Bardorf stated that the plan has been under review by the Planning Board for several months. There is no need for additional delay.**

**Mr. Weber, citing the issues to be resolved, suggested that a continuance would be in order. He recommended that the applicant contact the Town Engineer and Fire Dept, to resolve the issues.**

**Mr. Tucker stated that he disagreed with the Board's decision rendered at the prior meeting to not require a connection of Trout Dr. to Bailey Ave. That decision was in conflict with the Comprehensive Plan and the advice of town staff. Neighborhoods should be connected, rather than isolated.**

**The meeting was opened to the public.**

**Martha Koziara, a resident of Miller St., stated that the residents in the area agree with the Board's decision to not require the road connection. She stated that residents are also concerned that storm drainage from the development not adversely impact the down-slope neighborhood.**

**Mr. Weber stated that the Board needs to have more explanation of the proposed drainage improvements by the applicant's engineer.**

**Mr. Bardorf stated that the drainage in the area would be improved over the current situation. His client will work with Mr. Gallipeau regarding providing paved access to the Gallipeau property. He**

agreed, on behalf of his client, to a continuance to the December regular Planning Board meeting.

Mr. Martland stated that there must be a discussion with the Planning Board to determine the extent of paved access that will be required to satisfy the conditions of Mr. Galipeau's subdivision approval. His client will work with Dr. Lewis on this issue.

Motion by Ms. Rearick, seconded by Mr. Adams, to continue this matter to the December 13, 2006 regular Planning Board meeting. Vote: 7-0-0.

**3. Segerson, Greene Lane, Plat 105, Lot 4b & 4C Proposed 5-lot subdivision, request for extension of Final Plan approval**

Attorney Robert Silva, representing the applicant, requested an additional six-month extension of the final subdivision approval. His client has an agreement with a developer that will allow for the conditions of approval to be met in the near future.

Motion by Mr. Tucker, seconded by Ms. Rearick, to grant a six-month extension of the subdivision approval. Vote: 7-0-0

**4. Consideration of proposed Zoning Ordinance amendment to allow temporary stockpiling of materials and equipment for municipal construction projects in all zoning districts.**

The Planning Board had requested that the matter be forwarded to the Roads & Utilities Advisory Committee for review.

Mr. Wolanski stated that he had not yet received comments from the committee.

Art Benner stated that he was at the last meeting of the Roads & Utilities Advisory Committee. This matter was on their agenda, but it

**was not reached.**

**Motion by Mr. Lawrence, seconded by Mr. Eckhart, to continue discussion of the matter to the December 13, 2006 Planning Board meeting. Vote: 7-0-0.**

**5. Update – Preparation of draft mixed–use zoning ordinance amendment**

**Mr. Wolanski stated that he had hoped to have a draft of the proposed ordinance, but it was not yet available. The draft will be distributed as soon as it becomes available.**

**By consensus the matter was continued to the December 13, 2006 Planning Board meeting.**

**6. Update – Atlantic Beach District Master Plan**

**Mr. Wolanski stated that the contract is about to be signed with the consultant. A kick-off meeting will then be scheduled.**

**New Business**

**7. Paradise Realty LLC, Proposed 2-lot Subdivision, Paradise Ave. and Bailey Ave. Plat 120, Lot 77, Request for combined preliminary & final approval**

**Mr. Weber stated that, even though the proposed subdivision was previously approved by the Board, the membership of the Board has since changed. He recommended that the Board conduct a site visit.**

**By consensus the Board established a subcommittee and scheduled a site visit for Monday November 20, 2006. The matter was continued to the December 13, 2006 regular meeting.**

**8. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for a approval for residential development within Zone 1 of the Watershed Protection District. Paradise Realty LLC, Proposed 2-lot Subdivision, Paradise Ave. and Bailey Ave. Plat 120, Lot 77**

**By consensus the Board established a subcommittee and scheduled a site visit for Monday November 20, 2006. The matter was continued to the December 13, 2006 regular meeting.**

**9. Public Informational Meeting - Karmik, LLC, Proposed 6-lot subdivision, Prospect Ave. & Aquidneck Ave., Plat 120, Lot 46, Request for Master Plan review.**

**Attorney Robert Silva represented the applicant.**

**Mr. Weber stated that the plan had not changed since the Board provided a conceptual review and indicated its disapproval. He suggested that the applicant consider requesting a rezoning of the property to R-10 in order to achieve his redevelopment goals.**

**Mr. Silva stated that his client prefers the current R-20 zoning as a more attractive lot size, but is seeking relief for the lot frontage for three of the six lots. The proposed plan would improve the property by resulting in the removal of the motel structure and the remaining mobile homes. An existing single-family dwelling would be contained on one of the lots.**

**Mr. Weber stated that he is opposed to the creation of new nonconforming lots.**

**Mr. Tucker stated that the current use provides a needed affordable**

housing option. Rezoning R-10 would help to maintain affordable housing.

Mr. Silva stated that to allow for additional lots on the property a new road would be required in order to create the necessary lot frontage. His client is not interested in this option.

Mr. Adams asked if there would be a reduction in pavement as a result of the plan.

The applicant's engineer, Mr. Hingorany, confirmed that there would be a reduction in impervious from the current situation.

Mr. Adams suggested that the Board grant conditional approval and allow the applicant to request the necessary relief from the Zoning Board of Review.

Ms. Aull stated that the zoning regulations are in place for a reason, and that the Board should not approve plans that do not meet the requirements.

The meeting was opened for public input.

Geoffrey Regan of 485 Aquidneck Ave stated that he is an abutter to the subject property. He favors the proposed plan as an improvement to the current situation. He stated that he would be opposed to rezoning the property to R-10. He stated that the Board should review each case on its merits and not be concerned with setting a precedent.

Art Benner, 3 Namquid Dr., stated that affordable housing is needed, not more expensive homes.

Mr. Silva stated that his client would like to proceed to the Zoning Board of Review to request the needed relief. His client has agreed to

**waive his right to the continued use of the nonconforming motel and 18 mobile home units which he is entitled to.**

**Mr. Weber asked for clarification of the options.**

**Mr. Wolanski stated that the applicant, if denied, could appeal the denial to the Zoning Board of Review. If the appeal is granted the Planning Board may not have the opportunity for further review of the plan. If the Planning Board were to grant conditional approval subject to the granting of zoning relief, it could also forward a recommendation to the Zoning Board of Review regarding the requested relief.**

**Mr. Lawrence asked if the mobile homes currently on the property could be relocated.**

**Mr. Silva stated that state law requires that residents be given at least one-year notice of the need to vacate the property.**

**Donna McHenry, a resident of Prospect Ave., stated that she preferred that the zoning remain R-20.**

**Mr. Tucker stated that he was opposed to the creation of nonconforming lots.**

**Motion by Mr. Adams, seconded by Mr. Lawrence, to grant conditional preliminary plan approval subject to the granting of necessary relief by the Zoning Board of Review. Vote: 3-4-0 with Mr. Tucker, Mr. Weber, Ms. Rearick, and Ms. Aull voting in opposition. The application was therefore denied.**

**10. Newport Residential Corp., Proposed 2-lot subdivision, Tuckerman Ave., Plat 116, Lot 128, Request for Preliminary Plan review.**



**Attorney Bob Silva represented the applicant.**

**Mr. Weber stated, in keeping with past practice, the Board should establish a technical review subcommittee to conduct a site visit and review the application.**

**Motion by Mr. Tucker, seconded by Ms. Aull, to establish a subcommittee to review the application and continue the matter to the December 13, 2006 Planning Board meeting. Vote: 7-0-0.**

**The subcommittee will meet at the site on Nov. 20th.**

**11. Conceptual review – Mary E. Silvia, Proposed 2-lot subdivision, Oliphant Lane, Plat 112, Lot 30**

**Attorney Mike Miller represented the property owner. He described the proposal which would divide the subject property to allow for an existing commercial use to be separated from the existing residential use currently on the same lot. There are two dwelling units that would remain. Relief granted by the Zoning Board of Review would be required to allow for the subdivision.**

**Mr. Weber stated that he could support the proposal. Even though the plan would result in two nonconforming lots, there would be no new development as a result of the plan.**

**Other Board members agreed.**

**Mr. Miller thanked the Board for its input.**

**12. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for a approval for residential development within Zone 1 of the Watershed Protection District. D&B Valley Associates, Proposed 2-lot Subdivision, Valley Rd. & William Dr., Plat 114, Lot 4**

**There was no one present to represent the applicant.**

**Mr. Weber stated that he had walked the site with Mr. Wolanski. RIDEM has issued a wetlands insignificant alteration permit.**

**Motion by Mr. Tucker, seconded by Mr. Adams, to provide a positive recommendation to the Zoning Board of Review subject to the following conditions:**

- 1. The applicant should be required to connect to the public sewer.**
- 2. At the time of development of the new building lot, the builder would be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).**
- 3. The applicant should be required to comply with all conditions of the RIDEM Insignificant Alteration permit, including the placement of permanent wetland buffer makers and planting of buffer vegetation.**

**Vote: 7-0-0**

### **13. Discussion of the West Side Master Plan implementation**

**Mr. Weber discussed the proposal to have the Town take action to endorse the West Side Master Plan of the Aquidneck Island Planning Commission.**

**Teresa Crean, Landuse Planner for AIPC, discussed the desire of the AIPC to have each of the Island communities endorse or adopt the plan.**

**Mr. Weber suggested that a subcommittee of the Board meet to discuss this issue.**

**By consensus the Board established a subcommittee to meet with Ms. Crean on November 21, 2006.**

#### **14. Additional new business**

**Ms. Aull requested information on the restaurant being constructed on the site of the former Sports Tickets on Purgatory Rd.**

**Mr. Wolanski stated that he did not have the plans but that they could be viewed in the Building Department.**

**Ms. Aull asked again about the status of the required landscaping at the RK Plaza on East Main Rd. and asked who has the authority to enforce the requirements.**

**Mr. Wolanski stated he had no new information, but that the Building Official must enforce the requirements. He had previously stated that the property owner had agreed to have the work done.**

**The Planning Board adjourned and reconvened as the Town Center Review Board**

#### **Sitting as the Town Center Review Board**

**1. Imported Car Company of RI, Inc. (Seguin Realty, LLC) – Proposed Building alterations and signage. 285 East Main Rd. Plat 113, Lot 20-A Attorney Bob Silva, representing the applicant, described the project, including the elimination of the existing free-standing signs on the property and installation on new free-standing and wall signs. Total signage area would be reduced from what currently exists on the site. He discussed the proposed alterations to the building.**

**The Board discussed the proposed LED lighting technology for the proposed new signs.**

**Art Benner of 3 Namquid stated that the applicant should be required**

**to meet the requirements of the ordinance.**

**Motion by Mr. Tucker, seconded by Ms. Aull, to approved the application for building and signage alterations as presented to the Board, and to waive the following requirements of the Town Center Overlay District:**

**2404.4 (e) – Proposed exterior building materials.**

**2404.5 (e) – Wall sign exceeding 2 feet in height.**

**2404.5 (f) – Total signage exceeding the maximum area allowed.**

**2404.5 (g) – Signs constructed of materials other than wood or metal.**

**2404.5 (h) - Internally illuminated signs.**

**Vote: 6-1-0, with Mr. Lawrence voting in opposition.**

**Motion by Mr. Adams, seconded by Mr. Tucker, to adjourn. Vote: 7-0-0**

**The meeting adjourned at 8:20pm**